



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/803,217 | 03/18/2004 | Krystal Wynona | 1636 | 5860 |

7590 04/14/2006

Mark C. Jacobs, Esq.
3033 El Camino Avenue
Sacramento, CA 95821-6014

EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/803,217 | WYNONA, KRYSTAL | |
| | Examiner | Art Unit | |
| | Tri M. Mai | 3727 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adjustable handle in claim 4, the mesh in claim 6 must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. the specification fails to show the handle being size adjustable. See drawing objection above.

Art Unit: 3727

3. Claims 1-3, 6, 8-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn (D387200) in view of Petto (D394748), and further in view of Davis (D260325).

Kuhn teaches a purse having front face panel, and a rear surface panel each having a substrate.

The purse also having two side panels and a bottom panel which together form a generally U-shaped section as claimed. Kuhn meets all claimed limitations except for the record jacket and a

rear surface panel formed of a vinyl record. Petto teaches that it is known in the art to provide a

jacket with indicia. It would have been obvious to one of ordinary skill in the art to provide

jacket with indicia as taught by Petto to decorate the handbag. With respect to the vinyl record,

Davis teaches that it is known in the art to provide a disc like object attached to the wall. It

would have been obvious to one of ordinary skill in the art to provide to provide a disc like

object like a vinyl record, attach to the other wall to provide added decoration.

Furthermore, it is noted that the panel having the record jacket and the vinyl record are matter relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. In re Seid, 161 F.2d 229, 73 USPQ 431 (CCPA 1947).

Regarding claims 2, 8 and 10, note the bend and creases or fold lines at the attachment of the U-shaped portion to the walls of the bags.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Kuhn rejection, and further in view of Gay (1361761). It would have been obvious to one of ordinary skill in the art to provide adjustable handle as taught by Gay to enable one to carry the purse easily.

5. Claims 2, 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Kuhn rejection as set forth in paragraph 3, and further in view of Trager (1768496). It would

Art Unit: 3727

have been obvious to one of ordinary skill in the art to provide bends and creases, and/or fold lines to collapse the purse easily.

Regarding claim 7, it would have been obvious to one of ordinary skill in the art to make the bag from leather as taught by Trager (col. 1, ln. 50) to provide an alternative type of material for the bag.

6. Claims 5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Kuhn rejection in paragraph 3, and further in view of White (2922451). It would have been obvious to one of ordinary skill in the art to provide a transparent layer in Kuhn as taught by White, portion 20, to protect the bag.

Regarding claim 11, it would have been obvious to one of ordinary skill in the art to provide a liner in Kuhn as taught by White, portion 17, to provide added protection.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Kuhn rejection, and further in view of either Fulton (2259204) or Worcester (3415300). It would have been obvious to one of ordinary skill in the art to provide a key holder as taught by either Fulton or Worcester to keep the keys secured.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

